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REPLY TO: ROCHESTER

March 10, 2016

Sent via email

Honorable Elizabeth A. Wolford
United States District Court Judge
100 State Street
Rochester, NY 14614

Re: *United States v. Mufid Elfgeeh*, 14-cr-6147-EAW

Dear Judge Wolford:

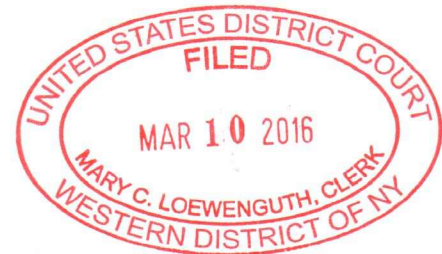
As you know, Mr. Elfgeeh will appear before Your Honor for sentencing on Thursday, March 17, 2016. Previously, I filed a sentencing statement on behalf of Mr. Elfgeeh. That document (#37) contained a listing of comparable prosecutions. The first collection included those individuals who pleaded guilty and were sentenced. The other set out those individuals who pleaded guilty and are awaiting sentencing.

Yesterday, a jury in the EDNY returned a guilty verdict in the matter of *United States v. Tairod Pugh* (15-cr-116-NGG). Mr. Pugh was convicted of Attempting to Provide Material Support (18 U.S.C. § 2339B) and Attempting to Obstruct an Official Proceeding [18 U.S.C. § 1512(c)(1)]. Mr. Pugh is facing a maximum sentence of 35 years (15 years on 2339B and 20 years on 1512). Sentencing is expected in September.

Mr. Pugh, a former U.S. serviceman, was found guilty of flying to Istanbul, Turkey in hopes of traveling to Syria to join the Islamic State (ISIS/ISIL). Similarly, he was convicted of attempting to destroy four USB thumb drives after he was denied entry into Istanbul.

Otherwise, the defendants listed in my sentencing statement remain in the same status.

I reviewed the government's sentencing statement filed on Monday, March 7, 2016. The government requests this Court impose a term of lifetime supervised release in addition to the agreed upon term of 270 months of incarceration. Previously, I provided to the Court three comparable prosecutions which resulted in guilty pleas and the imposition of sentence. Those three defendants (Morgan, Davis, and Wolfe) received various terms of supervised release. Mr. Morgan was sentenced to two separate three years terms of supervised release. Mr. Davis was sentenced to a lifetime term of supervised release. Mr. Wolfe was sentenced to a five year term of supervised release.



Mr. Elfgeeh, unlike Mr. Morgan and Mr. Davis, was not a prior felon before this arrest. Though Mr. Elfgeeh was convicted of two counts (2339B), his lack of prior criminal history is similar to Mr. Wolfe. Thus, a similar term of supervised release is appropriate.

I respectfully request Your Honor impose a term of supervised release that is sufficient, but not greater than necessary to comply with the statutory requirements imposed by the Sentencing Reform Act of 1984. A five year term of supervised release is fair, just, and reasonable under the circumstances present in the instant case.

Thank you for consideration of this request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mark D. Hosken", with a stylized flourish at the end.

Mark D. Hosken
Supervisory Asst. Federal Public Defender

MDH/jmm

cc: Brett Harvey, AUSA (via email)
Frank Sherman, AUSA (via email)
Kerry Chartier, Supervising USPO (via email)
Mufid Elfgeeh (via hand delivery)